

Message Text

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AMEMBASSY MOSCOW PRIORITY
AMEMBASSY PARIS PRIORITY
USMISSION NATO PRIORITY

C O N F I D E N T I A L USBERLIN 1685

LIMDIS

E O 11652: GDS
TAGS: PFOR WB UK UR US FR
SUBJ: RUDOLF HESS: APPEAL FROM AMNESTY INTERNATIONAL

REFS: A) STATE 141668; B) BONN 10173; C) STATE 139968

1. SUMMARY: AMNESTY INTERNATIONAL LETTER IS DISPUTATIOUS COMPLIA-
TION OF LEGAL HALF-TRUTHS, FAULTY PREMISES AND INACCURATE ASSERTIONS.
IN ESSENCE IT IS NO MORE THAN A PLEA TO RELEASE HESS, ALTHOUGH IT
PURPORTS TO RAISE INTERNATIONAL LEGAL CRITERIA IN SUPPORT OF THIS
PLEA. IT ALSO IMPLIES THAT ALLIES AS WELL AS SOVIETS ARE IN VIOLA-
TION OF INTERNATIONAL PRINCIPLES CONCERNING THE TREATMENT OF
PRISONERS. USBER BELIEVES THAT BRIEF RESPONSE IS MORE THAN
LETTER MERITS. END SUMMARY.

2. AMNESTY INTERNATIONAL (AI) IS APPARENTLY BROADENING ITS HORI-
ZONS. WHILE USSR DOES NOT HAVE COPY OF AI'S CONSTITUENT DOCUMENTS,
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WE UNDERSTAND THAT BY AI'S TERMS OF REFERENCE IT DEALS ONLY WITH
POLITICAL PRISONERS. WHILE ONE CAN SAY THAT HESS HAS NOT BEEN RE-
LEASED BECAUSE OF POLITICAL CONSIDERATIONS ON THE PART OF THE
SOVIETS, HE IS NOT A POLITICAL PRISONER. WE EVEN UNDERSTNAD THAT
EITHER AI OR ITS GERMAN BRANCH OFFICE HAS ACKNOWLEDGED THAT HESS
FALLS OUTSIDE ITS BAILIWICK. AI LETTER IMPLICITLY ACKNOWLEDGED THIS
AS WELL BY NOTING THAT THEIR PLEA IS "WITHOUT REGARD TO THE NATURE

OF THE CRIMES OF WHICH THE PRISONER WAS CONVICTED." CRUELY PUT, IT SEEMS THAT AI IS JUMPING ON THE FREE-HESS BANDWAGON. THE CONTENT AND TENOR OF THEIR LETTER SUPPORTS THE VIEW THAT AI IS REACHING INDEED IN ITS EFFORT TO CAST THE REQUEST TO RELEASE HESS IN THE TERMS OF PRINCIPLE AND LAW WHICH AI NORMALLY EMPLOYES.

3. THE INTERNATIONAL PRINCIPLES WHICH AI CITES HAVE NOT ENJOYED THE YEARS OF IMPLEMENTATION AND INTERPRETATION NECESSARY TO GIVE SUCH BROAD STATEMENTS MEANINGFUL APPLICATION IN CONCRETE SITUATIONS. THUS WHILE SOME ACTIVITIES WOULD UNDOUBTEDLY BE REGARDED BY ALL AS "CRUEL, INHUMAN OR DEGRADING TREATMENT", IN MOST CASES THERE WOULD BE ROOM FOR HONEST DIVERGENCE OF OPINION. THE END RESULT, ABSENT A FIRM HISTORY OF PRECEDENT AND INTERPRETATION, IS THAT THE PRINCIPLES ARE ESPECIALLY SUBJECT TO MISUSE, AS USBER BELIEVES AI HAS DONE IN THIS CASE. WE SURMISE THAT AI HAS CHOSEN TO SEE THE CONTINUED IMPRISONMENT OF HESS AS A VIOLATION OF THESE PRINCIPLES NOT BECAUSE THEY BELIEVE A PRINCIPLE HAS BEEN VIOLATED, BUT OUT OF DESIRE TO ADD TO THE MORAL OR HUMANITARIAN WEIGHT OF THEIR ARGUMENT FOR RELEASE OF HESS. IT IS ESPECIALLY REGRETTABLE THAT AI RELIES ON SUCH A FAULTY ANALYSIS IN RAISING THE SPECTRE OF US VIOLATION OF HUMAN RIGHTS PRINCIPLES.

4. AI STATES THAT HESS' CONDITIONS OF IMPRISONMENT FALL BELOW INTERNATIONALLY ACCEPTED MINIMUM STANDARDS OF TREATMENT OF PRISONERS BECAUSE HE HAS BEEN IN "EFFECTIVE" SOLITARY CONFINEMENT FOR 10 YEARS. BY "EFFECTIVE" SOLITARY CONFINEMENT WE ASSUME AI MEANS THAT CONFIDENTIAL

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HESS IS NOT REALLY IN "SOLITARY CONFINEMENT", BUT THAT HE HAS BEEN THE ONLY PRISONER IN SPANDAU FOR THE LAST TEN YEARS. WE DOUBT ANY BODY OF INTERNATIONAL MINIMUM STANDARDS OF TREATMENT OF PRISONERS ADDRESSES THE QUESTION OF A PRISON WHICH HOUSES ONLY ONE INMATE. WE ALSO QUESTION THE VALIDITY OF EQUATING THE TERM SOLITARY CONFINEMENT WITH THE CONDITIONS OF HESS' CONFINEMENT.

5. THE SPANDAU PRISON HAS TWO (2) SOLITARY CONFINEMENT CELLS. THESE CELLS HAVE NEVER BEEN USED DURING THE AMERICAN MONTHS AT SPANDAU; AND US PERSONNEL AT SPANDAU HAVE NO RECOLLECTION THAT THE OTHER THREE POWERS EVER USED THE CELLS. THE PRISON RULES INCLUDE THE FOLLOWING PUNISHMENTS WHICH CAN BE APPLIED TO PRISONERS: (A) WITHDRAWAL OF PRIVILEGES, INCLUDING READING OR WRITING; (B) CUTTING OFF OF LIGHT IN CELL FOR PERIOD OF NOT MORE THAN FOUR WEEKS; (C) EXCLUSION FROM OPEN AIR EXERCISE FOR NOT LONGER THAN TWO WEEKS; (D) REDUCTION OF FOOD FOR NOT LONGER THAN TWO WEEKS; AND (E) DEPRIVING PRISONER OF FURNITURE OF CLOTHING. THESE DRACONIAN MEASURES REFLECT WHAT SOLITARY CONFINEMENT ENTAILS.

JMM IN CONTRAST, HESS OCCUPIES A SPECIAL CELL APPROXIMATELY 8 BY 10 FEET. A SPECIAL HOSPITAL TYPE BED (FULLY ADJUSTABLE) HAS BEEN SUBSTITUTED FOR THE STANDARD PRISON TYPE. HESS HAS AN ADJUSTABLE READ-

ING LAMP AND NIGHT STAND, AND COFFEE IS AVAILABLE IS AVAILABLE 24 HOURS A DAY. CELL DOOR IS OPEN AND HESS IS PERMITTED TO LEAVE AND RETURN TO CELL AS HE WISHES. A WELL-STOCKED LIBRARY IS PROVIDED. A COMPLETE CELL HAS BEEN FURNISHED TO SERVE AS A CLOTHING ROOM. A BATHROOM (SEPARATE), A DRESSING ROOM (SEPARATE), AND A TELEVISION ROOM (SEPARATE) ARE AVAILABLE. HESS IS PERMITTED APPROXIMATELY FIVE (5) HOURS PER DAY OF OUTDOOR TIME IN PRISON GARDEN COURT YARD, 50 YARDS BY 100 YARDS CONTAINING TREES, SHRUBS GRSS AND SITTING CHAIRS. HESS DOES NOT WORK OF ANY KIND AND DAILY SELECTS THE MENUS FOR HIS MEALS.

7. ACCORDINGLY, WE QUESTION NOT ONLY IN PRINCIPLE, BUT ALSO IN PRACTICE THE EQUATION OF HESS' CONFINEMENT TO SOLITARY CONFINEMENT. WHILE WE ACKNOWLEDGE THAT AI IS UNINFORMED OF THESE FACTS WE CONFIDENTIAL

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SEE NO VIRTUE IN INFORMING THEM. FIRSTLY, GIVEN OUR VIEW THAT EQUATING SOLITARY CONFINEMENT WITH HESS' CONFINEMENT IS IN PRINCIPLE SPECIOUS, WE SUBMIT THAT AI IS NOT MAKING A SERIOUS INQUIRY INTO HESS' TREATMENT. ACCORDINGLY TO GIVE AI THE FACTS WOULD NOT, IN OUR VIEW, LEAD AI TO RETRACT THEIR ACCUSATIONS. REDRESS OF HESS' CONDITIONS OF IMPRISONMENT IS NOT IN OUR VIEW THEIR TRUE OBJECTIVE. WE BELIEVE THE LATTER TO BE RELEASE OF HESS. THAT IS ALSO OUR OBJECTIVE, BUT IT WOULD NOT BE ADVANCED BY DISCLOSURE OF THESE FACTS TO AI. IN ADDITION, THE CONDITIONS DESCRIBED IN PARA 6 THIS MESSAGE ARE AMELIORATIONS WHICH THE SOVIETS HAVE AGREED TO OVER THE YEARS. THEY DO NOT RELFECT THE STANDARDS SET DOWN IN THE FORMALLY AGREED SPANDAU RULES. TO SPEAK OF THEM PUBLICLY THUS RUNS THE RISK THAT THE SOVIETS MAY WISH TO HAVE THEM RESCINDED. THE LOSER WOULD BE HESS.

8. IN CONCLUSION, IF IS ID ECIDED TO RESPOND TO THE AI LETTER, USBER RECOMMENDS ANSWER RESTRICT ITSELF TO THE FOLLOWING INFORMATION:
--USG SHARES OBJECTIVE OF RELEASE OF HESS ON HUMANITARIAN GROUNDS;
--WHILE HESS IS SOLE PRISONER IN SPANDAU, HE IS NOT KEPT IN SOLITARY CONFINEMENT;
--RECENT ROUTINE CHECK-UPS INDICATE HESS IS IN REMARKABLY GOOD PHYSICAL AND MENTAL HEALTH FOR A PERSON OF HIS ADVANCED AGE. HE IS GIVEN EXCELLENT HEALTH CARE BY DOCTORS OF THE FOUR POWERS.DAVIS

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Message Attributes

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Control Number: n/a
Copy: SINGLE
Sent Date: 24-Jun-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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